

REFERENCE TITLE: schools; intentional physical violence; expulsion

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1501

Introduced by
Senators Gorman: Blendu; Representative Nichols

AN ACT

AMENDING SECTIONS 15-341 AND 15-841, ARIZONA REVISED STATUTES; RELATING TO
SCHOOL DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:

4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

6 1. Prescribe and enforce policies and procedures for the governance of
7 the schools, not inconsistent with law or rules prescribed by the state board
8 of education.

9 2. Maintain the schools established by it for the attendance of each
10 pupil for a period of not less than one hundred seventy-five school days or
11 two hundred school days, as applicable, or its equivalent as approved by the
12 superintendent of public instruction for a school district operating on a
13 year-round operation basis, to offer an educational program on the basis of a
14 four day school week or to offer an alternative kindergarten program on the
15 basis of a three day school week, in each school year, and if the funds of
16 the district are sufficient, for a longer period, and as far as practicable
17 with equal rights and privileges.

18 3. Exclude from schools all books, publications, papers or audiovisual
19 materials of a sectarian, partisan or denominational character.

20 4. Manage and control the school property within its district.

21 5. Acquire school furniture, apparatus, equipment, library books and
22 supplies for the use of the schools.

23 6. Prescribe the curricula and criteria for the promotion and
24 graduation of pupils as provided in sections 15-701 and 15-701.01.

25 7. Furnish, repair and insure, at full insurable value, the school
26 property of the district.

27 8. Construct school buildings on approval by a vote of the district
28 electors.

29 9. Make in the name of the district conveyances of property belonging
30 to the district and sold by the board.

31 10. Purchase school sites when authorized by a vote of the district at
32 an election conducted as nearly as practicable in the same manner as the
33 election provided in section 15-481 and held on a date prescribed in section
34 15-491, subsection E, but such authorization shall not necessarily specify
35 the site to be purchased and such authorization shall not be necessary to
36 exchange unimproved property as provided in section 15-342, paragraph 23.

37 11. Construct, improve and furnish buildings used for school purposes
38 when such buildings or premises are leased from the national park service.

39 12. Purchase school sites or construct, improve and furnish school
40 buildings from the proceeds of the sale of school property only on approval
41 by a vote of the district electors.

42 13. Hold pupils to strict account for disorderly conduct on school
43 property.

44 14. Discipline students for disorderly conduct on the way to and from
45 school.

1 15. Except as provided in section 15-1224, deposit all monies received
2 by the district as gifts, grants and devises with the county treasurer who
3 shall credit the deposits as designated in the uniform system of financial
4 records. If not inconsistent with the terms of the gifts, grants and devises
5 given, any balance remaining after expenditures for the intended purpose of
6 the monies have been made shall be used for reduction of school district
7 taxes for the budget year, except that in the case of accommodation schools
8 the county treasurer shall carry the balance forward for use by the county
9 school superintendent for accommodation schools for the budget year.

10 16. Provide that, if a parent or legal guardian chooses not to accept a
11 decision of the teacher as provided in section 15-521, paragraph 3, the
12 parent or legal guardian may request in writing that the governing board
13 review the teacher's decision. Nothing in this paragraph shall be construed
14 to release school districts from any liability relating to a child's
15 promotion or retention.

16 17. Provide for adequate supervision over pupils in instructional and
17 noninstructional activities by certificated or noncertificated personnel.

18 18. Use school monies received from the state and county school
19 apportionment exclusively for payment of salaries of teachers and other
20 employees and contingent expenses of the district.

21 19. Make an annual report to the county school superintendent on or
22 before October 1 each year in the manner and form and on the blanks
23 prescribed by the superintendent of public instruction or county school
24 superintendent. The board shall also make reports directly to the county
25 school superintendent or the superintendent of public instruction whenever
26 required.

27 20. Deposit all monies received by school districts other than student
28 activities monies or monies from auxiliary operations as provided in sections
29 15-1125 and 15-1126 with the county treasurer to the credit of the school
30 district except as provided in paragraph 21 of this subsection and sections
31 15-1223 and 15-1224, and the board shall expend the monies as provided by law
32 for other school funds.

33 21. Establish a bank account in which the board during a month may
34 deposit miscellaneous monies received directly by the district. The board
35 shall remit monies deposited in the bank account at least monthly to the
36 county treasurer for deposit as provided in paragraph 20 of this subsection
37 and in accordance with the uniform system of financial records.

38 22. Employ an attorney admitted to practice in this state whose
39 principal practice is in the area of commercial real estate, or a real estate
40 broker who is licensed by this state and who is employed by a reputable
41 commercial real estate company, to negotiate a lease of five or more years
42 for the school district if the governing board decides to enter into a lease
43 of five or more years as lessor of school buildings or grounds as provided in
44 section 15-342, paragraph 7 or 10. Any lease of five or more years
45 negotiated pursuant to this paragraph shall provide that the lessee is

1 responsible for payment of property taxes pursuant to the requirements of
2 section 42-11104.

3 23. Prescribe and enforce policies and procedures for disciplinary
4 action against a teacher who engages in conduct that is a violation of the
5 policies of the governing board but that is not cause for dismissal of the
6 teacher or for revocation of the certificate of the teacher. Disciplinary
7 action may include suspension without pay for a period of time not to exceed
8 ten school days. Disciplinary action shall not include suspension with pay
9 or suspension without pay for a period of time longer than ten school
10 days. The procedures shall include notice, hearing and appeal provisions for
11 violations that are cause for disciplinary action. The governing board may
12 designate a person or persons to act on behalf of the board on these matters.

13 24. Prescribe and enforce policies and procedures for disciplinary
14 action against an administrator who engages in conduct that is a violation of
15 the policies of the governing board regarding duties of administrators but
16 that is not cause for dismissal of the administrator or for revocation of the
17 certificate of the administrator. Disciplinary action may include suspension
18 without pay for a period of time not to exceed ten school days. Disciplinary
19 action shall not include suspension with pay or suspension without pay for a
20 period of time longer than ten school days. The procedures shall include
21 notice, hearing and appeal provisions for violations that are cause for
22 disciplinary action. The governing board may designate a person or persons
23 to act on behalf of the board on these matters. For violations that are
24 cause for dismissal, the provisions of notice, hearing and appeal in chapter
25 5, article 3 of this title shall apply. The filing of a timely request for a
26 hearing suspends the imposition of a suspension without pay or a dismissal
27 pending completion of the hearing.

28 25. Notwithstanding section 13-3108, prescribe and enforce policies and
29 procedures that prohibit a person from carrying or possessing a weapon on
30 school grounds unless the person is a peace officer or has obtained specific
31 authorization from the school administrator.

32 26. Prescribe and enforce policies and procedures relating to the
33 health and safety of all pupils participating in district sponsored practice
34 sessions, games or other interscholastic athletic activities, including the
35 provision of water.

36 27. Prescribe and enforce policies and procedures regarding the smoking
37 of tobacco within school buildings. The policies and procedures shall be
38 adopted in consultation with school district personnel and members of the
39 community and shall state whether smoking is prohibited in school
40 buildings. If smoking in school buildings is not prohibited, the policies
41 and procedures shall clearly state the conditions and circumstances under
42 which smoking is permitted, those areas in a school building that may be
43 designated as smoking areas and those areas in a school building that may not
44 be designated as smoking areas.

1 28. Establish an assessment, data gathering and reporting system as
2 prescribed in chapter 7, article 3 of this title.

3 29. Provide special education programs and related services pursuant to
4 section 15-764, subsection A to all children with disabilities as defined in
5 section 15-761.

6 30. Administer competency tests prescribed by the state board of
7 education for the graduation of pupils from high school.

8 31. Secure insurance coverage for all construction projects for
9 purposes of general liability, property damage and workers' compensation and
10 secure performance and payment bonds for all construction projects.

11 32. Keep on file the resumes of all current and former employees who
12 provide instruction to pupils at a school. Resumes shall include an
13 individual's educational and teaching background and experience in a
14 particular academic content subject area. A school district shall inform
15 parents and guardians of the availability of the resume information and shall
16 make the resume information available for inspection on request of parents
17 and guardians of pupils enrolled at a school. Nothing in this paragraph
18 shall be construed to require any school to release personally identifiable
19 information in relation to any teacher or employee including the teacher's or
20 employee's address, salary, social security number or telephone number.

21 33. Report to local law enforcement agencies any suspected crime
22 against a person or property that is a serious offense as defined in section
23 13-604 or that involves a deadly weapon or dangerous instrument or serious
24 physical injury and any conduct that poses a threat of death or serious
25 physical injury to employees, students or anyone on the property of the
26 school. This paragraph does not limit or preclude the reporting by a school
27 district or an employee of a school district of suspected crimes other than
28 those required to be reported by this paragraph. For the purposes of this
29 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
30 injury" have the same ~~meaning~~ **MEANINGS** prescribed in section 13-105.

31 34. In conjunction with local law enforcement agencies and local
32 medical facilities, develop an emergency response plan for each school in the
33 school district in accordance with minimum standards developed jointly by the
34 department of education and the division of emergency management within the
35 department of emergency and military affairs.

36 35. Annually assign at least one school district employee to
37 participate in a multihazard crisis training program developed or selected by
38 the governing board.

39 36. Provide written notice to the parents or guardians of all students
40 affected in the school district at least thirty days prior to a public
41 meeting to discuss closing a school within the school district. The notice
42 shall include the reasons for the proposed closure and the time and place of
43 the meeting. The governing board shall fix a time for a public meeting on
44 the proposed closure no less than thirty days before voting in a public
45 meeting to close the school. The school district governing board shall give

notice of the time and place of the meeting. At the time and place designated in the notice, the school district governing board shall hear reasons for or against closing the school. The school district governing board is exempt from this paragraph if it is determined by the governing board that the school shall be closed because it poses a danger to the health or safety of the pupils or employees of the school.

37. Incorporate instruction on Native American history into appropriate existing curricula.

38. Prescribe and enforce policies and procedures allowing pupils who have been diagnosed with anaphylaxis by a health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse practitioner licensed and certified pursuant to title 32, chapter 15 to carry and self-administer emergency medications including auto-injectable epinephrine while at school and at school sponsored activities. The pupil's name on the prescription label on the medication container or on the medication device and annual written documentation from the pupil's parent or guardian to the school that authorizes possession and self-administration is sufficient proof that the pupil is entitled to the possession and self-administration of the medication. The policies shall require a pupil who uses auto-injectable epinephrine while at school and at school sponsored activities to notify the nurse or the designated school staff person of the use of the medication as soon as practicable. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this paragraph, except in cases of wanton or wilful neglect.

39. Allow the possession and self-administration of prescription medication for breathing disorders in handheld inhaler devices, by pupils who have been prescribed that medication by a health care professional licensed pursuant to title 32. The pupil's name on the prescription label on the medication container or on the handheld inhaler device and annual written documentation from the pupil's parent or guardian to the school that authorizes possession and self-administration shall be sufficient proof that the pupil is entitled to the possession and self-administration of the medication. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on a good faith implementation of the requirements of this paragraph.

40. Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils on school grounds, on school property, on school buses, at school bus stops and at school sponsored events and activities that include the following components:

(a) A procedure for pupils to confidentially report to school officials incidents of harassment, intimidation or bullying.

(b) A procedure for parents and guardians of pupils to submit written reports to school officials of suspected incidents of harassment, intimidation or bullying.

1 (c) A requirement that school district employees report suspected
2 incidents of harassment, intimidation or bullying to the appropriate school
3 official.

4 (d) A formal process for the documentation of reported incidents of
5 harassment, intimidation or bullying, except that no documentation shall be
6 maintained unless the harassment, intimidation or bullying has been proven.

7 (e) A formal process for the investigation by the appropriate school
8 officials of suspected incidents of harassment, intimidation or bullying.

9 (f) Disciplinary procedures for pupils who have admitted or been found
10 to have committed incidents of harassment, intimidation or bullying.

11 (g) A procedure that sets forth consequences for submitting false
12 reports of incidents of harassment, intimidation or bullying.

13 41. Prescribe and enforce policies and procedures regarding changing
14 or adopting attendance boundaries that include the following components:

15 (a) A procedure for holding public meetings to discuss attendance
16 boundary changes or adoptions that allows public comments.

17 (b) A procedure to notify the parents or guardians of the students
18 affected.

19 (c) A procedure to notify the residents of the households affected by
20 the attendance boundary changes.

21 (d) A process for placing public meeting notices and proposed maps on
22 the school district's website for public review, if the school district
23 maintains a website.

24 (e) A formal process for presenting the attendance boundaries of the
25 affected area in public meetings that allows public comments.

26 (f) A formal process for notifying the residents and parents or
27 guardians of the affected area as to the decision of the governing board on
28 the school district's website, if the school district maintains a website.

29 (g) A formal process for updating attendance boundaries on the school
30 district's website within ninety days of an adopted boundary change. The
31 school district shall send a direct link to the school district's attendance
32 boundaries website to the department of real estate.

33 (h) If the land that a school was built on was donated within the past
34 five years, a formal process to notify the entity ~~who~~ THAT donated the land
35 affected by the decision of the governing board.

36 42. EXPEL A PUPIL IF THAT PUPIL THREATENS ANOTHER PERSON OR COMMITS AN
37 INTENTIONAL ACT OF PHYSICAL VIOLENCE AGAINST ANOTHER PERSON ON SCHOOL
38 GROUNDS, WHILE TRAVELING TO OR FROM SCHOOL GROUNDS OR AT A SCHOOL SPONSORED
39 ACTIVITY. IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT A
40 SCHOOL DISTRICT HAS FAILED TO EXPEL A PUPIL PURSUANT TO THIS PARAGRAPH, THE
41 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL WITHHOLD UP TO TEN PER CENT OF THE
42 APPORTIONMENT OF STATE AID THAT THE SCHOOL DISTRICT WOULD OTHERWISE BE
43 ENTITLED TO RECEIVE FOR EACH DAY THAT THE SCHOOL DISTRICT IS NOT IN
44 COMPLIANCE WITH THIS PARAGRAPH.

1 B. Notwithstanding subsection A, paragraphs 8, 10 and 12 of this
2 section, the county school superintendent may construct, improve and furnish
3 school buildings or purchase or sell school sites in the conduct of an
4 accommodation school.

5 C. If any school district acquires real or personal property, whether
6 by purchase, exchange, condemnation, gift or otherwise, the governing board
7 shall pay to the county treasurer any taxes on the property that were unpaid
8 as of the date of acquisition, including penalties and interest. The lien
9 for unpaid delinquent taxes, penalties and interest on property acquired by a
10 school district:

11 1. Is not abated, extinguished, discharged or merged in the title to
12 the property.

13 2. Is enforceable in the same manner as other delinquent tax liens.

14 D. The governing board may not locate a school on property that is
15 less than one-fourth mile from agricultural land regulated pursuant to
16 section 3-365, except that the owner of the agricultural land may agree to
17 comply with the buffer zone requirements of section 3-365. If the owner
18 agrees in writing to comply with the buffer zone requirements and records the
19 agreement in the office of the county recorder as a restrictive covenant
20 running with the title to the land, the school district may locate a school
21 within the affected buffer zone. The agreement may include any stipulations
22 regarding the school, including conditions for future expansion of the school
23 and changes in the operational status of the school that will result in a
24 breach of the agreement.

25 E. A school district, its governing board members, its school council
26 members and its employees are immune from civil liability for the
27 consequences of adoption and implementation of policies and procedures
28 pursuant to subsection A of this section and section 15-342. This waiver
29 does not apply if the school district, its governing board members, its
30 school council members or its employees are guilty of gross negligence or
31 intentional misconduct.

32 F. A governing board may delegate in writing to a superintendent,
33 principal or head teacher the authority to prescribe procedures that are
34 consistent with the governing board's policies.

35 G. Notwithstanding any other provision of this title, a school
36 district governing board shall not take any action that would result in an
37 immediate reduction or a reduction within three years of pupil square footage
38 that would cause the school district to fall below the minimum adequate gross
39 square footage requirements prescribed in section 15-2011, subsection C,
40 unless the governing board notifies the school facilities board established
41 by section 15-2001 of the proposed action and receives written approval from
42 the school facilities board to take the action. A reduction includes an
43 increase in administrative space that results in a reduction of pupil square
44 footage or sale of school sites or buildings, or both. A reduction includes
45 a reconfiguration of grades that results in a reduction of pupil square

1 footage of any grade level. This subsection does not apply to temporary
2 reconfiguration of grades to accommodate new school construction if the
3 temporary reconfiguration does not exceed one year. The sale of equipment
4 that results in an immediate reduction or a reduction within three years that
5 falls below the equipment requirements prescribed in section 15-2011,
6 subsection B is subject to commensurate withholding of school district
7 capital outlay revenue limit monies pursuant to the direction of the school
8 facilities board. Except as provided in section 15-342, paragraph 10,
9 proceeds from the sale of school sites, buildings or other equipment shall be
10 deposited in the school plant fund as provided in section 15-1102.

11 H. Subsections C through G of this section apply to a county board of
12 supervisors and a county school superintendent when operating and
13 administering an accommodation school.

14 I. Until the state board of education and the auditor general adopt
15 rules pursuant to section 15-213, subsection I, a school district may procure
16 construction services, including services for new school construction
17 pursuant to section 15-2041, by the construction-manager-at-risk,
18 design-build and job-order-contracting methods of project delivery as
19 provided in title 41, chapter 23, except that the rules adopted by the
20 director of the department of administration do not apply to procurements
21 pursuant to this subsection. Any procurement commenced pursuant to this
22 subsection may be completed pursuant to this subsection.

23 Sec. 2. Section 15-841, Arizona Revised Statutes, is amended to read:

24 15-841. Responsibilities of pupils; expulsion; alternative
25 education programs; community service; placement
26 review committee

27 A. Pupils shall comply with the rules, pursue the required course of
28 study and submit to the authority of the teachers, the administrators and the
29 governing board. A teacher may send a pupil to the principal's office in
30 order to maintain effective discipline in the classroom. If a pupil is sent
31 to the principal's office pursuant to this subsection, the principal shall
32 employ appropriate discipline management techniques that are consistent with
33 rules adopted by the school district governing board. A teacher may remove a
34 pupil from the classroom if either of the following conditions exists:

35 1. The teacher has documented that the pupil has repeatedly interfered
36 with the teacher's ability to communicate effectively with the other pupils
37 in the classroom or with the ability of the other pupils to learn.

38 2. The teacher has determined that the pupil's behavior is so unruly,
39 disruptive or abusive that it seriously interferes with the teacher's ability
40 to communicate effectively with the other pupils in the classroom or with the
41 ability of the other pupils to learn.

42 B. SCHOOL DISTRICTS SHALL ADOPT POLICIES AND PROCEDURES FOR THE
43 EXPULSION OF PUPILS AS FOLLOWS:

44 1. A PUPIL SHALL BE EXPELLED IF THAT PUPIL THREATENS ANOTHER PERSON OR
45 COMMITS AN INTENTIONAL ACT OF PHYSICAL VIOLENCE AGAINST ANOTHER PERSON ON

SCHOOL GROUNDS, WHILE TRAVELING TO OR FROM SCHOOL GROUNDS OR AT A SCHOOL SPONSORED ACTIVITY. IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT A SCHOOL DISTRICT HAS FAILED TO ADOPT POLICIES AND PROCEDURES THAT COMPLY WITH THIS PARAGRAPH, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL WITHHOLD UP TO TEN PER CENT OF THE MONTHLY APPORTIONMENT OF STATE AID THAT THE SCHOOL DISTRICT WOULD OTHERWISE BE ENTITLED TO RECEIVE.

2. A pupil may be expelled for continued open defiance of authority, continued disruptive or disorderly behavior, violent behavior that includes use or display of a dangerous instrument or a deadly weapon as defined in section 13-105, use or possession of a gun, or excessive absenteeism. A pupil may be expelled for excessive absenteeism only if the pupil has reached the age or completed the grade after which school attendance is not required as prescribed in section 15-802.

3. A school district may expel pupils for actions other than those listed in this subsection as the school district deems appropriate.

C. A school district may refuse to admit any pupil who has been expelled from another educational institution or who is in the process of being expelled from another educational institution.

D. A school district may annually or upon the request of any pupil or the parent or guardian review the reasons for expulsion and consider readmission.

E. As an alternative to suspension or expulsion, the school district may reassign any pupil to an alternative education program if the pupil does not meet the requirements for participation in the alternative to suspension program prescribed in subsection H of this section and if good cause exists for expulsion or for a long-term suspension.

F. A school district may also reassign a pupil to an alternative educational program if the pupil refuses to comply with rules, refuses to pursue the required course of study or refuses to submit to the authority of teachers, administrators or the governing board.

G. A school district or charter school shall expel from school for a period of not less than one year a pupil who is determined to have brought a firearm to a school within the jurisdiction of the school district or the charter school, except that the school district or charter school may modify this expulsion requirement for a pupil on a case by case basis. This subsection shall be construed consistently with the requirements of the individuals with disabilities education act (20 United States Code sections 1400 through 1420). For the purposes of this subsection:

1. "Expel" may include removing a pupil from a regular school setting and providing educational services in an alternative setting.

2. "Firearm" means a firearm as defined in 18 United States Code section 921.

H. A school district or charter school shall expel from school for at least one year a pupil who is determined to have threatened an educational institution ~~as defined in section 13-2911~~, except that the school district or

1 charter school may modify this expulsion requirement for a pupil on a case by
2 case basis if the pupil participates in mediation, community service,
3 restitution or other programs in which the pupil takes responsibility for the
4 results of the threat. This subsection shall be construed consistently with
5 the requirements of the individuals with disabilities education act (20
6 United States Code sections 1400 through 1420). A school district may
7 reassign a pupil who is subject to expulsion pursuant to this subsection to
8 an alternative education program pursuant to subsection E of this section if
9 the pupil participates in mediation, community service, restitution or other
10 programs in which the pupil takes responsibility for the threat. A school
11 district or charter school may require the pupil's parent or guardian to
12 participate in mediation, community service, restitution or other programs in
13 which the parent or guardian takes responsibility with the pupil for the
14 threat. For the purposes of this subsection, "threatened an educational
15 institution" means to interfere with or disrupt an educational institution AS
16 DEFINED IN SECTION 13-2911 by doing any of the following:

17 1. For the purpose of causing, or in reckless disregard of causing,
18 interference with or disruption of an educational institution, ~~OR~~
19 threatening to cause physical injury to any employee of an educational
20 institution or any person attending an educational institution.

21 2. For the purpose of causing, or in reckless disregard of causing,
22 interference with or disruption of an educational institution, ~~OR~~
23 threatening to cause damage to any educational institution, the property of
24 any educational institution, the property of any employee of an educational
25 institution or the property of any person attending an educational
26 institution.

27 3. Going on or remaining on the property of any educational
28 institution for the purpose of interfering with or disrupting the lawful use
29 of the property or in any manner as to deny or interfere with the lawful use
30 of the property by others.

31 4. Refusing to obey a lawful order to leave the property of an
32 educational institution.

33 I. ~~By January 1, 2001,~~ Each school district shall establish an
34 alternative to suspension program in consultation with local law enforcement
35 officials or school resource officers. The school district governing board
36 shall adopt policies to determine the requirements for participation in the
37 alternative to suspension program. Pupils who would otherwise be subject to
38 suspension pursuant to this article and who meet the school district's
39 requirements for participation in the alternative to suspension program shall
40 be transferred to a location on school premises that is isolated from other
41 pupils or transferred to a location that is not on school premises. The
42 alternative to suspension program shall be discipline intensive and require
43 academic work, and may require community service, groundskeeping and litter
44 control, parent supervision, and evaluation or other appropriate activities.
45 The community service, groundskeeping and litter control, and other

1 appropriate activities may be performed on school grounds or at any other
2 designated area.

3 J. Each school shall establish a placement review committee to
4 determine the placement of a pupil if a teacher refuses to readmit the pupil
5 to the teacher's class and to make recommendations to the governing board
6 regarding the readmission of expelled pupils. The process for determining
7 the placement of a pupil in a new class or replacement in the existing class
8 shall not exceed three business days from the date the pupil was first
9 removed from the existing class. The principal shall not return a pupil to
10 the classroom from which the pupil was removed without the teacher's consent
11 unless the committee determines that the return of the pupil to that
12 classroom is the best or only practicable alternative. The committee shall
13 be composed of two teachers who are employed at the school and who are
14 selected by the faculty members of the school and one administrator who is
15 employed by the school and who is selected by the principal. The faculty
16 members of the school shall select a third teacher to serve as an alternate
17 member of the committee. If the teacher who refuses to readmit the pupil is
18 a member of the committee, that teacher shall be excused from participating
19 in the determination of the pupil's readmission and the alternate teacher
20 member shall replace that teacher on the committee until the conclusion of
21 all matters relating to that pupil's readmission.